



# PUBLIC NOTICE

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## **MEDIA BUREAU REMINDS LOW POWER TELEVISION AND TELEVISION TRANSLATOR STATIONS OF JULY 13, 2021, DIGITAL TRANSITION DATE**

The Media Bureau (Bureau), by this Public Notice, reminds all low power television and television translator stations (LPTV/translator stations) that the **July 13, 2021**, digital transition date – when stations must terminate all analog television operations – is fast approaching. The Bureau also provides information concerning the procedures that LPTV/translator stations must follow to complete their digital transition, if they have not already done so.

### **Digital Transition Date: July 13, 2021**

By **11:59 p.m. local time on July 13, 2021**, all LPTV/translator stations must terminate all analog television operations regardless of whether their digital facilities are operational.<sup>1</sup> Stations that have not yet constructed a digital facility must cease analog television operations no later than **July 13, 2021**, and remain silent until construction is completed. If a station goes silent prior to completing construction of its digital facility, it may file a request for silent authority.

### **Final Digital Extensions Due No Later Than March 15, 2021**

In addition to ceasing analog operations by the digital transition date, transitioning LPTV/translator stations that experience delays in completing their digital facilities may seek one last extension of time of their digital construction permits, of not more than 180 days, to be filed no later than **March 15, 2021**,<sup>2</sup> which is four months prior to the **July 13, 2021**, transition date.<sup>3</sup> An application for extension of time to construct must include an exhibit demonstrating that failure to meet the construction deadline is due to circumstances that are either unforeseeable or beyond the licensee's control and that the

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<sup>1</sup> See 47 CFR § 74.731(m); see also *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14932-33, para. 9 (2015) (*LPTV DTV Third R&O*). In that decision, the Commission extended the LPTV digital transition date until 12 months following the completion of the 39-month post-Incentive Auction transition period or 51 months from the completion of the Incentive Auction and the release of the *Closing and Channel Reassignment Public Notice*. *Id.* See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (IATF and MB 2018) (*Closing and Channel Reassignment Public Notice*). Given the April 13, 2017 release date of the *Closing and Channel Reassignment Public Notice*, the LPTV digital transition date is **July 13, 2021**.

<sup>2</sup> Because the deadline for filing an extension application, March 13, 2021, falls on a Saturday, we will extend the deadline to the next business day, Monday, March 15, 2021. See 47 CFR 1.4.

<sup>3</sup> See 47 CFR § 74.788(c)(3). We note that the digital transition date adopted in the *LPTV DTV Third R&O* applies to (1) digital construction permits held by analog LPTV/translator stations transitioning to digital; and (2) construction permits for new digital LPTV/translator stations. The digital transition date does not apply to construction permits to modify already licensed digital LPTV/translator stations or to construction permits for analog to digital or digital to digital replacement translators. See *LPTV DTV Third R&O*, 30 FCC Rcd at 14929, n. 17. Those construction permits are issued for a standard three-year construction period. See 47 C.F.R. § 73.3598(a).

licensee has taken all reasonable steps to resolve the problem expeditiously.<sup>4</sup> Such circumstances include, but are not limited to: (1) delays in obtaining zoning or other approvals, or similar constraints; (2) inability to obtain equipment; or (3) financial hardship.<sup>5</sup> Extension applications must include: (a) a detailed accounting of all steps taken by the station to complete construction of the proposed facilities including dates for each action; (b) a detailed accounting of any and all circumstances outside of the station's control that prevented the station from completing construction including dates of each circumstance; and (c) a timeline plan of how and when the station expects to complete construction and begin operations. Extension applications claiming financial hardship must include: (a) an itemized estimate of the cost of meeting the build-out requirements; (b) a detailed statement explaining why its financial condition precludes such an expenditure; (c) a detailed accounting of the applicant's good faith efforts to meet the deadline, including its good faith efforts to obtain the requisite financing and an explanation why those efforts were unsuccessful; and (d) an indication when the applicant reasonably expects to complete construction.

The grant of an extension of time to complete digital construction will in no way extend the **July 13, 2021**, deadline by which a station must terminate analog television operations. Instructions for filing an extension application are included in the Appendix.

After **March 15, 2021**, additional time to construct may be sought only pursuant to the Commission's "tolling" rule. The tolling rule provides that a construction permit deadline may be tolled only for specific circumstances not under the licensee's control, such as acts of God or delays due to administrative or judicial review.<sup>6</sup>

#### **Transition Related Technical Filings Should Be Filed No Later Than May 1, 2021**

To ensure that LPTV/translator stations are not delayed in completing their digital transition by the **July 13, 2021**, transition deadline, we recommend that stations requiring last-minute technical changes submit any required applications or filings (minor change, request for special temporary authority, etc.) no later than **May 1, 2021**, to allow sufficient time for staff processing. Applications that require international coordination should be filed as soon as possible.

#### **Filing Deadline For Digital-to-Digital Replacement Translators: July 13, 2021**

In the *LPTV DTV Third R&O*, the Commission established a new digital-to-digital replacement translator (DTDRT) service to allow eligible full power television stations to recover lost digital service area that could result from the Incentive Auction repacking process.<sup>7</sup> The Commission concluded that full power stations may file for DTDRTs beginning with the opening of the post-Incentive Auction *Special Displacement Window*<sup>8</sup> and ending one year after completion of the post-Incentive Auction

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See 47 CFR § 73.3598(b). We note that the Section 73.3598(b) tolling standard does not provide relief for financial hardship, except that paragraph (b)(2) would toll the construction deadline for a station that could not build because of a pending bankruptcy court action. See *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Third Report and Order and Order on Reconsideration, 24 FCC Rcd 3399, 3429 n.156 (2009). Stations must electronically file tolling requests via LMS, in accordance with the instructions in the Appendix. Stations may also seek a waiver of the tolling rule to receive additional time to construct in the case where "rare or exceptional circumstances" prevent construction, following the instructions for requesting tolling in the Appendix. See *1998 Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17536, para. 42 (1999).

<sup>7</sup> *LPTV DTV Third R&O*, 30 FCC Rcd at 14956-57, para. 65.

<sup>8</sup> See *Incentive Auction Task Force and Media Bureau Announce Post Incentive Auction Special Displacement Window April 10, 2018, Through May 15, 2018, and Make Location and Channel Data Available*, Public Notice, 32 FCC Rcd 1234 (IATF and MB 2018); *Incentive Auction Task Force and Media Bureau Extend Post Incentive Auction Special Displacement Window Through June 1, 2018*, Public Notice, 32 FCC Rcd (IATF and MB 2018).

transition period.<sup>9</sup> Accordingly, we remind interested full power stations that DTDRT applications must be filed not later than **July 13, 2021**.

#### **Requests For Silent Authority**

We remind stations that a station may suspend operations for a period of not more than 30 days absent specific authority from the Commission.<sup>10</sup> Stations that remain silent for more than 10 days must notify the Commission not later than the tenth day of their suspended operations by filing a Suspension of Operations Notification via LMS as outlined in the Appendix.<sup>11</sup> Stations that need to remain silent for more than 30 days must file a Silent STA via LMS as outlined in the Appendix. There is no fee for this filing.

We also remind stations that the license of any station that remains silent for any consecutive 12-month period expires automatically at the end of that period, by operation of law, except that the Commission may extend or reinstate such station license if the holder of the license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.<sup>12</sup>

#### **Surrender of Channels**

We remind LPTV/translator stations with digital companion channels that they must choose to complete their transition to digital by *either* (1) “flash cutting” their existing analog facility to digital (at which time their analog license will be replaced by a new digital license and the digital companion channel permit or license canceled) *or* (2) surrendering their analog channel and continuing to operate their digital companion channel.<sup>13</sup> For stations choosing the second option, analog channels must be surrendered no later than **July 13, 2021**. Stations that change their transition plans are reminded that they must surrender the construction permit or license for their digital companion channel upon the grant of their application for flash cut construction permit and vice versa. **No station may possess both a digital flash cut and digital companion channel construction permit.**

Stations that choose not to convert to digital and instead intend to permanently discontinue operations must do so no later than **July 13, 2021**, and must submit their station licenses for cancellation.<sup>14</sup> We note that, after **July 13, 2021**, all pending analog LPTV/translator construction permit applications will be dismissed, and outstanding analog construction permits will be cancelled. Stations are encouraged to amend their pending applications and modify their outstanding analog construction permits to specify digital operations as soon as possible to avoid dismissal or cancellation.

#### **Viewer Notifications**

To ensure that viewers are aware of the impending termination of analog service, stations are required under the Commission’s rules to notify viewers of their planned transition to digital.<sup>15</sup> Stations

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<sup>9</sup> 47 CFR § 74.787(a)(5)(i); *LPTV DTV Third R&O*, 30 FCC Rcd at 14959, para. 70.

<sup>10</sup> See 47 CFR §§ 73.1740(a)(4) and 74.763(b).

<sup>11</sup> *Id.*

<sup>12</sup> See 47 U.S.C. § 312(g). The Commission’s rules also provide that the “license of . . . [a] TV translator or TV broadcast booster, or low power TV station will expire as a matter of law upon failure to transmit broadcast signals for any consecutive 12-month period notwithstanding any provision, term, or condition of the license to the contrary.” 47 CFR § 74.15(f). See 47 CFR § 74.763(c). See also 47 CFR §§ 73.1020(c), 73.1615(c)(2), 73.1635(a)(4), 73.1740(c), 73.1750.

<sup>13</sup> *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Second Report and Order, 26 FCC Rcd, 10732, 10753-4, paras. 42-45 (2011) (*LPTV Digital Second R&O*).

<sup>14</sup> Instructions for requesting cancellation of a station license are included in the Appendix.

<sup>15</sup> See 47 CFR § 74.798; *LPTV DTV Second R&O*, 26 FCC Rcd at 10755, para. 49.

have the flexibility to determine the frequency, length, and content of their notifications.<sup>16</sup> For those stations with the technical ability to locally originate programming,<sup>17</sup> viewer notification must be done on the air at a time when the highest number of viewers are watching.<sup>18</sup> For those stations that lack the technical ability to locally originate programming, or conclude that airing of viewer notifications would pose a hardship, they may notify viewers by some other reasonable means.<sup>19</sup>

**Additional Information or Questions**

For additional information or questions, please contact Mark Colombo (technical questions), Mark.Colombo@fcc.gov, (202) 418-7611, or Shaun Maher (legal questions), Shaun.Maher@fcc.gov, (202) 418-2324, of the Video Division, Media Bureau.

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<sup>16</sup> *Id.*

<sup>17</sup> All stations in the low power television service are permitted to originate some amount of local programming, such as public service announcements (PSAs). *See* 47 CFR § 74.731(f) and (g) and 47 CFR § 74.701(f). PSAs originated by TV translators are limited to 30 seconds each and may not air more than once per hour.

<sup>18</sup> *See* 47 CFR § 74.798(c); *LPTV DTV Second R&O*, 26 FCC Rcd at 10755, para. 49.

<sup>19</sup> *Id.* *See also* 47 CFR § 74.798.

**APPENDIX****INSTRUCTIONS FOR ACCESSING AND FILING ON LMS****General Log-in Instructions**

Access the LMS applicant data entry home page here:

<https://enterpriseefiling.fcc.gov/dataentry/login.html>

Login using the FRN associated with the station.

For more information and help using the LMS system, contact: (877) 480-3201 TTY: (717) 333-2824.

**Request to Cancel License**

1. Click on “Facility” tab on the left top of the page.
2. Click on facility ID of the station.
3. Click on “File an Application” button.
4. Select “Cancellation” from the drop-down menu.
5. Complete the application and click “Submit.”

**Engineering, Legal, and Silent STAs**

1. Click on “Facilities” tab on the left top of the page.
2. Click on Facility ID of the station.
3. Click on “File an Application” button.
4. Select “STA – engineering, legal or silent” from the drop-down menu.
5. Complete the application and click “Submit.”

**Suspension of Operations Notification**

1. Click on “Facility” tab on the left top of the page.
2. Click on facility ID of the station.
3. Click on “File an Application” button.
4. Select “Suspension of Operations Notification” from the drop-down menu.
5. Complete the application and click “Submit.”

**FCC Form 2100 – Schedule 337 – Application for Extension of Time**

1. Click on “Authorization” tab on the left top of the page.
2. Click on construction permit authorization.
3. Click on “File an Application” button.
4. Select “Extension of Construction Permit” from the drop-down menu.
5. Complete the application and click “Submit”

**FCC Form 2100 – Schedule Tolling – Application for Tolling or Waiver of Tolling Rule**

1. Click on “Authorizations” tab on the left top of the page.
2. Click on construction permit authorization.
3. Select “File an Application” button.
4. Select “Tolling” from the drop-down menu.
5. Complete the application and click “Submit.”